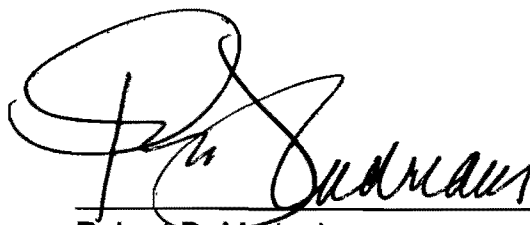


**3:16-CV-00466
(JUDGE MARIANI)**

1. Defendants' Motion to Dismiss, (Doc. 5), is **GRANTED IN PART AND DENIED IN PART.**
2. Defendants' Motion to Dismiss Count I is **DENIED.**
3. Defendants' Motion to Dismiss Count II is **GRANTED.** Count II is **DISMISSED WITH PREJUDICE.**
4. Defendants' Motion to Dismiss Count III is **GRANTED.** Count III is **DISMISSED WITH PREJUDICE.**
5. Defendants' Motion to Dismiss Count IV is **DENIED.**
6. Defendants' Motion to Dismiss Count V is **DENIED.**

A handwritten signature in black ink, appearing to read "R. D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge